

United States District Court
Eastern District of Michigan

United States of America

**ORDER OF DETENTION PENDING REMOVAL
TO NORTHERN DISTRICT OF
FLORIDA-PENSACOLA**

v.

Enrique DeVerona

Florida Case number: 3:07cr55-MCR
Case Number: 07-30223

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. Defendant waived his right to an identity hearing in this district. I conclude that the following facts require the detention of the defendant pending removal in this case.

Part I – Findings of Fact

Not a presumption case.

Alternative Findings

/ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

/ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

" (a) nature of the offense—involves allegations of interstate transportation of child pornography; drove to Canada from Florida carrying laptop with video images and photographs in his vehicle

" (b) weight of the evidence—strong; Canadian authorities seized laptop with images

" (c) history and characteristics of the defendant

" 1) physical and mental condition—age 20; no prior public convictions; some evidence of prior drug use—marijuana

" 2) employment, financial, family ties—Resident of Florida; no ties to Eastern Michigan or Canada; not currently employed; prior employment was foreman for a development company for six months; father of a 18 month old girl.

" 3) criminal history and record of appearance—no evidence of failure to appear

" (d) probation, parole or bond at time of the alleged offense—not a factor here

" (e) danger to another person or community—proffer from government indicates possible manufacture and purported distribution of illegal videos and images.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date 4/25/07

s/Virginia M. Morgan

Signature of Judge

Virginia M. Morgan, United States Magistrate Judge

Name and Title of Judge